

1 SENATE BILL 689

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Stuart Ingle

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10 AN ACT

11 RELATING TO CRIMINAL LAW; PROVIDING THAT A SECOND OR SUBSEQUENT
12 OFFENSE OF VOYEURISM IS A FOURTH DEGREE FELONY.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 Section 1. Section 30-9-20 NMSA 1978 (being Laws 2007,
16 Chapter 238, Section 1) is amended to read:

17 "30-9-20. VOYEURISM PROHIBITED--PENALTIES.--

18 A. Voyeurism consists of intentionally using the
19 unaided eye to view or intentionally using an instrumentality
20 to view, photograph, videotape, film, webcast or record the
21 intimate areas of another person without the knowledge and
22 consent of that person:

23 (1) while the person is in the interior of a
24 bedroom, bathroom, changing room, fitting room, dressing room
25 or tanning booth or the interior of any other area in which the

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1 person has a reasonable expectation of privacy; or

2 (2) under circumstances where the person has a
3 reasonable expectation of privacy, whether in a public or
4 private place.

5 B. Whoever commits voyeurism is guilty of a:

6 (1) misdemeanor, ~~[except]~~ for a first offense;

7 (2) fourth degree felony, for a second or
8 subsequent offense; and

9 (3) fourth degree felony, if the victim is
10 less than eighteen years of age ~~[the offender is guilty of a~~
11 ~~fourth degree felony]~~.

12 C. As used in this section:

13 (1) "intimate areas" means the primary genital
14 area, groin, buttocks, anus or breasts or the undergarments
15 that cover those areas; and

16 (2) "instrumentality" means a periscope,
17 telescope, binoculars, camcorder, computer, motion picture
18 camera, digital camera, telephone camera, photographic camera
19 or electronic device of any type."

20 Section 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2009.

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